

04-1495 HARTMAN, ET AL. V. MOORE, JR.

DECISION BELOW: 388 F.3d 871 (D.C. Cir. 2004)

QUESTIONS PRESENTED

1. Whether law enforcement agents may be liable under *Bivens* v. *Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), for retaliatory prosecution in violation of the First Amendment when the prosecution was supported by probable cause.
- ~~2. Whether, if so, the law to that effect was clearly established at the time that criminal charges were filed against respondent, such that petitioners are not entitled to qualified immunity.~~

Cert. Granted 6/27/05 limited to Question 1.